

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 13 Cr. 386 (RRM)

-against- :

**NOTICE OF MOTION**

CHOUDRY MUHAMMAD KHALIL, :

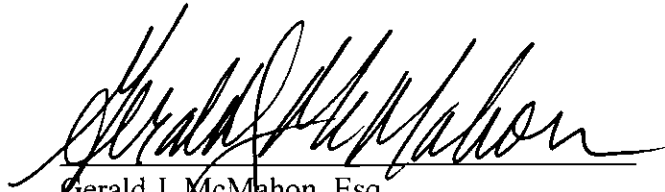
Defendant. :

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PLEASE TAKE NOTICE that, upon the declaration of Gerald J. McMahon, duly executed on January 2, 2014, and the accompanying memorandum of law, defendant Choudry Muhammad Khalil ("defendant") will move this Court, to be held at Courtroom 6A South, the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on February 14, 2014 at 12 noon, for an order:

1. Pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, dismissing the indictment upon the ground that the government cannot, as a matter of law, establish the materiality of the alleged false statements; and
2. Granting defendant Khalil such other and further relief as the Court deems just and proper.

Dated: New York, New York  
January 8, 2014

A handwritten signature in black ink, appearing to read 'Gerald J. McMahon', written over a horizontal line.

Gerald J. McMahon, Esq.  
*Attorney for Defendant Khalil*  
The Standard Oil Building  
26 Broadway, 18<sup>th</sup> Floor  
New York, New York 10004  
212.797.1877 (tel)  
[gm@geraldjcmahon.com](mailto:gm@geraldjcmahon.com) (e-mail)

To: The Honorable Roslynn R. Mauskopf  
United States District Judge  
(By ECF & Mail)

Alexander A. Solomon, Esq.  
Assistant United States Attorney  
(By ECF)

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